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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

United States of America)	Case No.: CR-09-00952 JF PVT
)	
Plaintiff,)	Stipulation and [Proposed] Order Continuing
)	Status Hearing
vs.)	
)	
BRENDAN PATRICK MCCLORY-MAGUIRE)	
)	
Defendant.)	

Plaintiff, United States of America, by its counsel, Assistant United States Attorney Thomas O'Connell, and defendant Brendan Patrick McClory-Maguire, by his counsel Patrick Clancy hereby stipulate and agree that the status hearing currently set for Thursday, April 8, 2010 at 9:00 a.m., should be continued until Thursday, June 3, 2010, at 9:00 a.m.

The requested continuance is based on the need for defense counsel to complete its investigation in this matter. The June date is requested as Mr. Clancy will be in trial in Los Angeles during the Month of May. The parties agree, and the Court finds and holds, as follows:

- I. The status hearing is continued to June 3, 2010 at 9:00 a.m.
- II. The time between April 8, 2010, and June 3, 2010 is excluded under the Speedy Trial Act. The parties agree that the failure to grant the requested continuance would unreasonably deny

1 defense counsel reasonable time necessary for effective preparation, taking into account the exercise of
2 due diligence. Finally, the parties agree that the ends of justice served by granting the requested
3 continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt
4 disposition of criminal cases. 18 U.S.C. § 3161(h).

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8 DATED: April 6, 2010
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10 _____/s/ Patrick Clancy
11 Patrick Clancy
Attorney for Brendan Patrick McClory-Maguire

12 DATED: April 6, 2010
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14 _____/s/ Thomas O'Connell
15 Telephonically authorized to sign
For Mr. O'Connell on 4-06-2010
16 Thomas O'Connell
Assistant United States Attorney
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ORDER

Based upon the representations and stipulation of counsel, IT IS HEREBY ORDERED that the Status Hearing set for Thursday April 8, 2010, at 900 a.m., is continued Thursday, June 3, 2010 at 9:00 a.m.

Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded under the Speedy Trial Act from April 8, 2010, until June 3, 2010. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

DATED: April 7, 2010



Judge Jeremy Fogel
United States District Judge